

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

ANDRE PACE,
Plaintiff,

v.

C.A. NO. 1:19-CV-10653-RBG

DEPARTMENT OF CORRECTION, et al.,
Defendants.

**DEPARTMENT OF CORRECTION DEFENDANTS' MOTION FOR AN
ENLARGEMENT OF TIME TO SERVE DISCOVERY**

Now come the defendants, Massachusetts Department of Correction, Justin Salamone, Christopher J. Mascharka, David Bolduc, Jason J. Chaput, Matthew H. Valade, and Robert M. Duval and move to enlarge the time to serve discovery requests upon the plaintiff. The defendants are requesting up until June 15, 2020 to serve discovery requests upon the plaintiff. The grounds for this Motion are as follows:

1. On March 31, 2020, Attorney Samuel Miller, then attorney for the Department of Correction and counsel of record, filed a motion to enlarge time to file a response to plaintiff's request for documents.
2. On March 31, 2020, the Court (Stearns, J.) allowed counsels motion until April 30, 2020.
3. As of April 10, 2020, Attorney Samuel Miller is no longer employed by the Department of Correction and the case was reassigned to undersigned counsel.
4. Undersigned counsel has diligently read through the Complaint and located the parties listed as defendants. The Complaint did not list the correct spelling of the defendants first or last names.

5. The Court and Plaintiff should note that the docket does not accurately reflect the first and last names of the defendants who remain in the case since the Court's July 15, 2019. See Docket Paper No. 12. Undersigned counsel has listed the full correct spelling of the defendants names in this motion.
6. Since Attorney's Miller departure, undersigned counsel has also made requests for documents in order to comply with the discovery request, but additional time is needed to continue gather documents, continue to review the casefile, and to make decisions as to what discovery counsel will be seeking from the plaintiff.
7. Undersigned counsel further asserts that due to the current State of Emergency in Massachusetts regarding the COVID-19 pandemic, undersigned counsel needs additional time to respond as staff both within her legal office and Souza-Baranowski Correctional Center is staggered. Additional time is needed to speak to the defendants to accurately and fully respond to plaintiff's requests. The State of Emergency has disrupted normal business and the fluid nature of the pandemic has caused a number of changes.
8. Defendants through counsel, are requesting until June 15, 2020 to comply with plaintiff's discovery request. Undersigned counsel will attempt to respond to plaintiff's request prior to the June 10, 2020 date. Plaintiff will not be prejudiced by this enlargement of time as the requested time will not hinder the posture of plaintiff's case.

WHEREFORE, the defendants request that their Response to Plaintiff's Motion for Production of Documents be enlarged until June 15, 2020.

Respectfully submitted,

By Defendants, Massachusetts Department of
Correction, Justin Salamone, Christopher J.
Mascharka, David Bolduc, Jason J. Chaput,
Matthew H. Valade, and Robert M. Duval,

By their Attorney,

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Veronica E. DeDosantos
Veronica E. DeDosantos
Senior Litigation Counsel
BBO # 663725
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110-1300
617-727-3300, ext: 1104
Veronica.dedosantos@massmail.state.ma.us

CERTIFICATE OF SERVICE

I, Veronica E. DeDosantos, counsel for defendants, hereby certify that I have served a copy of the forgoing Motion to Enlarge the Time to Respond to Discovery, by first class mail, postage prepaid, to the address below, as he us unable to receive pleadings through the Court's electronic filing system (ECF).

Andre Pace (W94849)
Souza-Baranowski Correctional Center
PO Box 8000
Shirley, MA 01464

Dated: April 22, 2020

/s/ Veronica E. DeDosantos
Veronica E. DeDosantos

